



Posted: 01/25/11 JW

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**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	<b>Board of Massage and Bodywork</b>
MEETING DATE AND TIME:	<b>Thursday, November 18, 2010 at 1:30 p.m.</b>
PLACE:	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room B</b> , second floor Cannon Building
MINUTES APPROVED:	January 20, 2011

**MEMBERS PRESENT**

Lora Bryner, Professional Member, President  
Sheila Nagyiski, Professional Member  
Holly Overmyer, Professional Member  
Gordon Gelley, Public Member, Secretary  
Sharon Harris, Public Member  
Diane Langston, Public Member

**MEMBERS ABSENT**

Cindy Horsman, Professional Member, Vice President

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER**

Eileen Heeney, Deputy Attorney General  
Kay Warren, Deputy Director  
Jennifer Witte, Administrative Specialist  
Nancy Fields, Administrative Specialist  
Lorena Hartnett, Court Reporter  
Stacey Stewart, State Deputy Attorney General  
Bud Mowday, Investigator

**OTHERS PRESENT**

Beth Richmond, CMT  
Mary Conrad, CMT  
Asha Moon

**CALL TO ORDER**

Ms. Bryner called the meeting to order at 1:40 p.m.

**REVIEW OF MINUTES**

The Board reviewed the minutes from the October 20, 2010 meeting. A motion was made by Mr. Gordon, seconded by Ms. Nagyiski, to approve the minutes as presented. The motion unanimously carried.

**NEW BUSINESS**

### Sunset Review Progress Report Update

Ms. Warren addressed the Board in reference to the questionnaire for a December update. The Board answered the four recommendation questions.

In January 2011, the Board will begin discussing statute amendment.

### Re-Review of Application for Samuel Tobin

A motion was made by Ms. Nagyiski, seconded by Mr. Gordon, to table the application of Samuel Tobin again to have an official FBI criminal background check submitted. The motion unanimously carried.

### Disciplinary Hearing for Gina Scoggins

Ms. Heeney, Board Deputy Attorney General, stated that the purpose of the hearing was due to a complaint from the Office of Attorney General against Gina Scoggins. The complaint alleges that Ms. Scoggins was practicing without a license.

The Board members were introduced and Ms. Bryner, as the contact person for the complaint, recused herself from the hearing

Ms. Stewart, State Deputy Attorney General, stated that Ms. Scoggin's license lapsed in 2004 and she has continued to practice, unlicensed.

Ms. Stewart called her first witness, Nancy Fields the Board's previous Administrative Specialist. Ms. Fields testified that the hearing notice was sent via certified mail to the address on file with the Division and was returned.

Ms. Stewart's called her next witness, Bud Mowday. Mr. Mowday, Investigator for the Division of Professional Regulation, testified that he spoken with Ms. Scoggins who admitted that she had altered her license and was working unlicensed. She also informed him that she had not completed the continuing education required for renewal.

Ms. Stewart stated that due to the expiration of Ms. Scoggins license, the Board could not take any disciplinary action however; she asked that the Board issue a Cease and Desist letter to both Ms. Scoggins and her employer.

The Board went off record and into deliberations.

The Board went back on record.

A motion was made by Ms. Harris, seconded by Ms. Nagyiski, to issue a Cease and Desist letter to Ms. Scoggins and the manager of the Bellmoor Inn and Spa. The motion unanimously carried.

Ms. Heeney will prepare the Order for Board signature at the next meeting.

The hearing was adjourned.

### PTD Hearing for Asha Moon

Ms. Heeney advised the purpose of the hearing.

The Board members were introduced.

Asha Moon was sworn in and gave testimony that she believed that she had renewed her license online correctly in 2008; however, when she went to renew her license in 2010, she could not renew due to having an expired license. It expired because she answered a question regarding her CE incorrectly and the hold that was put on for this type of answer was not released.

She submitted documentation regarding her education in connection with her application to obtain her certificate as a massage technician.

The Board asked Ms. Moon questions.

The Board went off record and into deliberations.

The Board went back on record.

A motion was made by Ms. Harris, seconded by Mr. Gelley, to treat the pending application as a application for renewal. Ms. Moon will also have to complete 12 hours of continuing education within 120 days of the signing of the decision and order and those 12 hours of continuing education may not be used towards the 2010-2012 renewal period. The motion unanimously carried.

The hearing was adjourned.

#### Ratification of Certified Massage Technician Certifications

A motion was made by Ms. Nagyiski, seconded by Ms. Overmyer, to approve the applications of Kena Righter and Ximing Hou. The motion unanimously carried.

#### Ratification of License Massage Therapists Applications

A motion was made by Ms. Nagyiski, seconded by Ms. Overmyer, to approve the application of Grace McCloud. The motion unanimously carried.

#### Continuing Education Approval Requests

After review, a motion was made by Ms. Bryner, seconded by Ms. Overmyer, to approve the following applications for continuing education:

Christine Kurz and Wayne Dawson  
Using Subtle Energy in Massage II, 6 hours, core  
Relaxing Touch Bodyworks  
Introduction to Meditation, 6 hours, elective

The motion unanimously carried.

#### **CORRESPONDENCE**

There was no correspondence to be reviewed by the Board.

#### **OTHER BUSINESS**

There was no other business before the Board.

#### **PUBLIC COMMENT**

Mary Conrad stated that she is a CMT and has been on both the receiving and giving end of the practice and that she had two un-pleasurable experiences in her career, both were from an LMT. She agrees with the Board that it should look into adopting laws that will require additional person in the room when massages are being administered.

### **NEXT SCHEDULED MEETING**

The next meeting is scheduled for January 20, 2011 at 1:30 pm. A workshop will be held at 11:00 am to specifically work on the Rules and Regulations that support the current law and to begin working on a new bill.

### **ADJOURNMENT**

There being no further business, a motion was made by Ms. Harris, seconded by Ms. Nagyiski, to adjourn the meeting. The motion was unanimously carried. The meeting was adjourned at 3:37 p.m.

Respectfully submitted,

Jennifer Witte  
Administrative Specialist II for  
Board of Massage and Bodywork